

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO. 5643 OF 2005

PETITIONERS
DEFENDANTS

1. Bahadur Mohammad,
S/o Nazar Mohammad
Aged about 68 years.
2. Jabbar Moh. S/o Nazar Moh.,
Age 39 years
3. Abbas Moh. S/o Nazar Moh.
Aged about 45 years.
4. Moh. Razzak S/o. Nazar Moh.
Age 35 years,
Both R/o Turkapara, Raigarh,
Tahsil and District Raigarh (C.G.)

Versus

RESPONDENT
PLAINTIFF

DEFENDANTS NO.4

- 1 Chhote Bee Wd/o Noor Khan
R/o Turkapara, Raigarh proposed
L. Rs. Khursida Begam
2. Mu. Akabari Begum,
Wd/ o Late Gaffar Mohammad,
Age 30 years.
- 2-A Siraz Mohammad S/o. Gaffar,
Age 11 years (Minor)
- 2-B Raj Mohammad S/o Gaffar
Age 13 years (Minor)
Both R/o Turkapara, Raigarh,
District Raigarh (C.G.)

Present : Mr. Amit Sharma, learned counsel for the petitioners.

ORAL ORDER
(Passed on 7th December, 2005)

The application filed by the petitioners under Order 7 Rule 14 read with Section 151 of the Code of Civil Procedure has been rejected by the learned Trial Judge on the ground of delay. The discretion exercised by the learned Trial Judge in the facts and circumstances of the case could not be faulted with. It can not said that the learned Trial Judge has not exercised the discretion judiciously. There is no merit in the writ petition. It is accordingly dismissed, however, with no costs.

Sd/-
Chief Justice